

REMARKS

The foregoing amendment to claim 2 is submitted in order to structurally emphasize and thereby confirm the Examiner's assumption deduced from recitations in the claims that "the contaminated fluid is flowing internally through the processing elements along their length and the filtrate is coming out laterally of the processing elements into the chamber that contains the processing elements", as stated on page 2 of the Final Office action. Thus claim 2 as amended specifies "discharging said cleansed portion of the contaminate laden fluid from the sealed chamber in response to filtration by the elongated processing elements within the sealed chamber during said passage (of the contaminated-laden fluid) between the inlet and outlet ends (of the housing)". Entry of the proposed amendment to claim 2 and withdrawal of its rejection under 35 U.S.C. 112 is therefore expected.

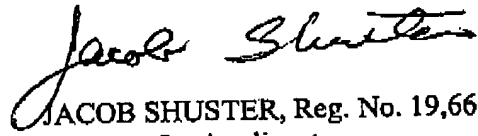
In regard to the final rejection of claims 2 and 3 under 35 U.S.C. 102(e) over the Funatsu et al. patent, it is again incorrectly asserted on page 3 of the Final Office action that: "Funatsu (451) teaches--drain for discharge of clean fluid (6, fig. 1)". The Examiner is therefore again urged to more carefully review the disclosure in the Funatsu et al. patent, such as column 5, lines 59-67 which states: "cells 10--fed from--cell inlet 6 formed in the housing 1--". On this account alone, the final rejection is in error and should be withdrawn.

In regard to the final rejection of claims 2 and 3 under 35 U.S.C. 102(b) over the Garcera et al. patent, it is based on the disclosure therein of fluid undergoing separation treatment by circulation flow through membrane channels 2 in elements 1 within a casing 11 having a side tube 48 secured thereto. Such circulation flow is shown and described by arrows 3 and 4 in FIG. 1 of the Garcera et al. patent, respectively extending out of only one axial end of the casing 11 and out of the side tube 48. The Garcera et al. patent does not indicate or describe flow 4 through

the side tube 48 as gravitational drainage from the channels 2 during flow between non-existent inlet and outlet ends thereof, pursuant to the recitations in claims 2 and 3 under consideration as hereinbefore pointed out. Accordingly, the final rejection over the Garcera et al. patent is also in error.

In view of the foregoing, withdrawal of the final rejections as set forth in the current Final Office action is in order, and is hereby requested in advance of the deadline for appeal.

Respectfully submitted,


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Received from <301 227 1968> at 7/23/03 8:22:29 AM [Eastern Daylight Time]

Navy Case No. 82,918

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

William M. Appleman, et al. :

Serial No. 09/879,870 :

Filed: June 13, 2001 :

For: ARRANGEMENT AND CONSTRUCTION :
OF AN ELEMENT BUNDLING MODULE :

: Group Art Unit: 1723

: Examiner: Krishnan S. Menon

: CONFIRMATION NO. 4961

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GROUP 1700

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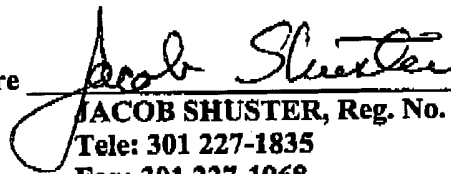
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